IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI SOUTHWESTERN DIVISION

Brian Mora,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Civil Action Number**
	)	**06-5114-CV-SW-JTM**
Myspace.com,	)	
	)	
Defendant.	)	

ORDER

Pending before the Court is plaintiff Brian Mora's **APPLICATION FOR LEAVE TO FILE ACTION WITHOUT PAYMENT OF FEES, COSTS, OR SECURITY**, filed November 13, 2006 (Doc. #1).

Under 28 U.S.C. § 1915, if an applicant makes an affidavit that he is financially unable to pay the required filing fees, a Court may authorize the commencement of the applicant's action without the prepayment of filing fees. Local Rule 9 provides that the Court "shall determine whether the applicant is capable of paying the initial filing fee. A fee should not be required if it will cause the applicant to become completely destitute or force her to give up the basic necessities of life."

Upon review of the plaintiff's application and affidavit, the Court finds that the plaintiff's request for leave to proceed *in forma pauperis* cannot be granted. In his application, plaintiff asserts that he is without sufficient income with which to pay the filing fee in this action.

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However, the plaintiff's Affidavit of Financial Status, indicates that plaintiff is gainfully employed and appears to have the assets and means necessary to pay the required filing fees. Plaintiff is not indigent and should be able to afford the filing fees and costs required for the filing of his suit. 28 U.S.C. § 1915 was enacted to help those who would be forced to become destitute, or forced to give up the basic necessities of life if made to pay the required fees in order to exert their rights. The instant case is not such a case.

Therefore, it is

ORDERED that plaintiff Brian Mora's **APPLICATION FOR LEAVE TO FILE ACTION WITHOUT PAYMENT OF FEES, COSTS, OR SECURITY, WITH AFFIDAVIT OF FINANCIAL STATUS IN SUPPORT**, filed November 13, 2006(Doc. #1) is **DENIED**.

/s/ John T. Maughmer

John T. Maughmer
United States Magistrate Judge